

**Minutes of the Regular Meeting Of The  
New Jersey Maritime Pilot and Docking Pilot Commission  
June 21, 2016**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, June 21, 2016 at One Penn Plaza East, Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 11:06am.

**Open Public Meeting Statement**

**Pledge of Allegiance**

**Roll Call**

Commissioner Timothy J. Dacey (present); Commissioner Jacob Shisha (present); Commissioner Brian McEwing (present via teleconference); Commissioner Charles Wowkanech (absent).

**Approval of the May 17, 2016 Regular Meeting Minutes**

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the minutes of the May 17, 2016 meeting minutes. All voted in favor.

**Resolution #16-19 to Approve the June 2016 Treasurers Report**

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #16-19 to approve the June 2016 Treasurers Report. All voted in favor.

**Executive Director's Report**

Ms. Stuckey informed the Commission that Captain Flannery was in Connecticut on business and that Captain Schoenlank will report on his behalf. She welcomed New Jersey Transit intern Alexa Magnotta to the meeting. Alexa is interning with the Police Department and was curious to learn more about the Commission and the people we regulate. She also thanked Mr. Al Hawkins for filling in for Ms. Montilus during her vacation.

- A. Hudson River Update - Ms. Stuckey reported that there has not been any transport jobs reported since the Commission's last meeting.

- B. Regulatory update - Ms. Stuckey met with Commissioner Dacey, DAG Kahler and Ms. Lebouef from the Governor's Authorities Unit via teleconference to discuss the rule proposal and the recommendations from the Rules Office. She reported that the meeting was very productive and feels that everyone is on the same page. She and DAG Kahler will work together to make the necessary amendments and resubmit the proposal to the Rules Office for approval. The project is a little behind schedule because DAG Kahler has been on a month long court case; however he and Ms. Stuckey will meet before her vacation. They are hoping to be able to get an approval from the Rules Office and have the Commission vote to propose them at the July 19, 2016 regular meeting.
- C. Maritime Pilot Apprentice Test - Ms. Stuckey met with Commander Jack Olthuis and Frank Keane to discuss the Maritime Pilot Apprentice Test. The group will continue to meet regularly to ensure the test is up to date. For the short term the current test will be revised to combine the Seamanship and Shiphandling and Local Knowledge sections since the two sections cover a lot of the same material. This is similar to what has been with the Docking Pilot Apprentice Test. Apprentice Ryan Pakalik is scheduled to take his test the week of August 15<sup>th</sup> and will be the first apprentice to take the revised test.
- D. Pension Surcharge and Capital Improvement Committee Meetings - Ms. Stuckey informed the Commission that the meetings were initially scheduled to take place immediately following today's board meeting. The meetings have been rescheduled for September 21<sup>st</sup> at the Commission's office. Commissioner Shisha advised that the actuary reviewed the pilotage volume information and average collection rate through May 2016 and recommended that the meeting be postponed.
- E. FY 2016 Audit - Ms. Stuckey sent request for proposals to the 14 accountants listed on the Division of Purchasing and Property approved Cooperative Purchasing Participant list. As was done in the past the proposal is for a two-year contract. The proposals are due July 1<sup>st</sup>. Once they are received the audit committee will review them and make a recommendation via resolution at the July 19<sup>th</sup> regular meeting.

F. Carteret Marina - Ms. Stuckey initially sent the Commission a report of the wave-runners that were blocking the channel. After further discussions with Captain Schoenlank and Captain Klein she learned that the incident was worse than she thought. Two wave-runners were doing donuts in the vessels path when one of them fell into the water. He was able to re-board the unit, however it would not start. As the tanker came closer he jumped into the water and his friend was able to drag him to safety. The unit remained in the vessels path and the pilot had to take measures to avoid hitting it. This incident has prompted Ms. Stuckey to contact the Mayor of Carteret to discuss how we can all work together to implement programs on boater safety. A meeting has been set up for Wednesday, July 13, 2016 at the Mayor's office in Carteret. She has asked Commissioner Dacey, Captain Schoenlank and Captain Flannery to attend. Ms. Stuckey stated her belief that it is important to hold this meeting not only for the safety of the pilots but also the recreational boaters. She also believes that since the Commission has not gone on record to state its concerns about the proposed marina that this would be a good time to do so.

G. Harbor Ops Meeting - Ms. Stuckey attended the June 15, 2016 Harbor Ops meeting which is the final meeting before the summer break. The Coast Guard gave a briefing on the 4<sup>th</sup> of July firework display. The Commissioners were given a copy of the Coast Guard advisory outlining the staging and viewing areas. The Coast Guard will meet with the Port Authority and the contractors working on the Goethals Bridge to determine the affect if any the construction will have on commercial traffic. The Army Corp gave the following dredging updates: the completion of the 50 foot channel has been pushed back until late August/early September because of equipment issues. The bid to begin maintenance dredging in the Newark Bay will open in early July and the project is scheduled to begin in September. Lastly the Bureau of Ocean and Management gave a presentation on the proposed wind tunnel project 11 miles south of Long Island. The project is still in the developmental stages and several public meetings are being held. She does not believe that it is necessary for the Commission to attend any of the meetings since the Energy Sub-Committee of Harbor Ops will be attending to communicate industry concerns.



- H. Fleet Week - Ms. Stuckey was able to take part in the parade of ships to kick off Fleet Week. It was a great experience. Ms. Stuckey expressed her admiration and respect for the performance of the 2 pilots that were aboard the Bataan with her. She provided the Commission with a brief summary of the day and then finished with a brief Power Point presentation to commemorate the day.
- I. Ship States - Ms. Stuckey provided the Commission with vessel statistics for the port of New York/New Jersey. The information was put together by the Maritime Association and shows the difference in cargo volume from April 2015 to April 2016 and January 2015 to January 2016.
- J. Industry Forum - Ms. Stuckey attended an Industry Forum hosted by the U.S. Merchant Marine Academy Central NJ Chapter. The evening was very informative. Panelist gave presentations that included port improvements, port security, cyber security and looking towards the future. She thanked Commissioner Dacey for chairing the event. It was a good evening and she was thankful to be a part of it.
- K. Port Tour - On June 17, 2016 Ms. Stuckey, Captain Schoenlank and Captain DeCruz took Senators Sweeney, Cunningham and Weinberg for a port tour. The tour started at Liberty State Park. Although there was only 1 ½ hours allocated for the tour, they were able to view the Bayonne Bridge and terminals in Port Elizabeth. The tour was well received by the Senators and they each expressed their desire to learn more about the Commission, the pilots and the work we do.
- L. White Paper - The Commissioners were provided a copy of a white paper that was distributed by the Maritime Association on the port of New York/New jersey.
- M. Port Community /festival - The Seamen's Church is bringing back their annual Port Community Festival. This is the annual event that Ms. Stuckey used to chair when she ran the center prior to coming to the Commission and they have asked her to help coordinate the event. She will work with them and also volunteered Ms. Montilus to work at Seamen's Church Institute on the day of the event. The day consists of an all you can eat barbecue, games, DJ and a dunk tank (Ms. Stuckey will be one of the honorary guest in the dunk tank). She encouraged anyone available to attend as it will be a fun day.

N. Port Industry Day - Port Industry Day will take place on September 26, 2016 at Liberty State Park this year. Following the meetings there will be a boat ride to Ellis Island. If anyone is interested in attending they should contact Ms. Stuckey so that she can register them.

O. Vacation Schedules - Ms. Stuckey will be on vacation the week of July 4<sup>th</sup> and the week of August 1<sup>st</sup>. During the week of July 4<sup>th</sup> she will be local and can continue to be the 24 hour emergency contact and will be available via cell phone or email. During the week of August 1<sup>st</sup>, she will not be available. As the date gets closer, she will meet with Commissioner Dacey to discuss assigning someone as the 24 hour emergency contact in her absence.

P. Articles of Interest - the following articles were provided to the Commissioners:

- "Cruise Industry Says Report Card Regrettable" - The Maritime Executive
- "2016 Cruise Ship Report Card" - Friends of the Earth
- "Panama Canal Lifts Draft Limits, Starts Transit Tests" - The Maritime Executive
- "Port of New York & New Jersey Confirms Capability to Handle Larger Vessels" - The Port Authority of New York & New Jersey.

#### Public Comment

Comments from Captain Richard Schoenlank, President, the New Jersey Sandy Hook Pilots Association:

Captain Schoenlank reiterated Ms. Stuckey's sentiments about the proposed Carteret Marina and thanked her for moving forward with this initiative. He stated that the proposed marina is only 75 feet from the proposed channel and presents a major hazard.

He reported that the removal of the water siphon has been delayed because the equipment needed to remove it broke while being used for another project. As Ms. Stuckey reported the new date for removal is early August/late September which will complete the 50 channel project.

The association presidents, Sandy Hook Executive Director and a few tug boat captains will travel to MITAGS the week of June 27, 2016 to set up the simulation exercises for the ULCV's.

Comments from Ed Kelly, Executive Director, the Maritime Association of the Port of New York/New Jersey:

Mr. Kelly stated that the issue with the proposed Carteret Marina is a disaster waiting to happen. The slip leases are supposed to incorporate boater education, however most recreational boaters are inexperienced. He informed the Commission that Harbor Ops has been working to deter the marina for years.

Mr. Kelly attended one of the public hearings for the proposed wind tunnel project. He was able to put the concerns of the Harbor Ops Committee on the record and will follow his comments up with a written statement.

He gave the Commission a brief summary on the origination of the White Paper report on the port of New York/New Jersey that was previously distributed by Ms. Stuckey.

#### Committee Reports

##### A. Investigation Report:

- I. USCGC Tampa - This incident is still under investigation.
- II. Xin Ya Zhou - This incident is still under investigation.
- III. Chem Norma - Based on the attached investigation report, Ms. Stuckey recommended that no fault be found on the part of the pilot and the file closed. A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.

#### Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss legal and personnel matters, and

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

All voted in favor.

The Commission took a five minute break and went into Executive Session at 11:58am.

#### Return to Public Session

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey that the Commission return to Public Session. All voted in favor.

The Commission returned to Public Session at 12:26 PM.

#### Resolution #16-20 to Approve the Request to Upgrade Captain Graham Mergenthaler to a Pilot of the Sixth Grade

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to pass Resolution #16-20 to approve the upgrade of Captain Graham Mergenthaler to a Pilot of the Sixth Grade. All voted in favor.

#### Adjournment

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha that the meeting be adjourned. All voted in favor. The meeting was adjourned at 12:30 PM.